pole attachment rate as the utilities propose.

9. Grounding involves installing a conductor and ground rod to discharge power surges or induced current. Under many pole attachment agreements, cable operators are required to attach their facilities to the electric company ground. Because of this requirement, the electric utilities here assume that this attachment makes the entire utility grounding system of equal use to cable and to the electric utility. That assumption is wrong.

10. Each attaching party is responsible for grounding its own system of conductors. When cable creates its own grounding system, and in keeping with standard construction practices for communications plant, such as the BellCore "Blue Book," it grounds only to approximately the first, last and tenth pole in a pole line, at a far lower cost than is required for electrical conductors. In addition, cable operators also ground their facilities on the poles to which they have attached active electronic components, and on the two poles immediately adjacent to those poles on which the actives are located. Even if cable also bonds to the utility's ground, cable must install its own grounding systems to ground its own active electronic components because existing power company grounding systems are ***not*** sufficient to ground these system components. In reality, while cable will bond to a power company ground because of requirements in pole license agreements, the electric utilities are not satisfying cable's own grounding needs, and, in my opinion, making it inequitable to impose the costs of these systems on cable television operators.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of Amendment of Rules and Policies Governing Pole Attachments	CS Docket No. 97-98

DECLARATION OF JOHN PIETRI

I, John Pietri, do hereby declare under the penalty of perjury of the laws of the United States of America that the attached Declaration is true and correct.

John Pietri

Date: 6-23-97

DECLARATION OF NICHOLAS THEROUX

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of Amendment of Rules and Policies Governing Pole Attachments	CS Docket No. 97-98

DECLARATION OF NICHOLAS THEROUX

I, Nicholas Theroux, do hereby state:

1. I am Director of Network Development for Marcus Cable Operating Company ("Marcus"). Marcus, together with its affiliated companies and partnerships is one of the largest cable television operator in the United States, operating in 18 states and serving approximately 1.2 million customers nationally. I have served in my present capacity at Marcus for 4-1/2 years, and have worked in the area of cable television engineering and construction for 27 years. I have participated in the design and construction of cable television and communications systems in more than 20 states.

2. This Declaration focuses on the characteristics of underground conduit and duct systems and how those characteristics should be reflected in the pole attachment rate.

3. In downtown areas utility plant, including communications plant, typically must be constructed beneath city streets in underground manhole and conduit networks. In such areas conduit runs are installed between manholes. Conduit is the term that generally refers to the large concrete or metal (and in very old networks wood) pipe or structures into which a number of smaller plastic tubes, known as ducts, are installed. Most ducts are subdivided even further with a type of device known as innerduct. Conduit runs may contain as many as 12 or

more ducts, with each such duct subdivided still further by four-, five-, or even six-compartment innerduct. It has been my experience that virtually all new duct and conduit construction not only results in the placement of multiple ducts within a given conduit run, but that each of those ducts are subdivided further by multi-compartment innerduct. The wide-spread, now nearly universal use of innerduct represents a significant advancement in the economics of communications network engineering and construction because it allows for the placement of four, five or six cables in a *single* four-inch duct where previously only one, or perhaps two cables had been possible.

4. In addition to the use of innerduct, I understand that certain entities, particularly incumbent local exchange carriers ("ILECs"), owning underground duct networks have stated that they are required to set aside individual ducts or conduits, exclusively for municipal use. In my 27 years of experience with the engineering and construction of communications and cable television networks I have never encountered a single duct within an underground conduit system which is in reality set aside for exclusive municipal use. I believe that all duct capacity installed by ILECs and other utilities are installed for the sole purpose of providing capacity for commercial communications and utility service.

5. Similarly, I understand that these same conduit system owners have stated that in the case of an emergency, a cable operator, or other non-owning third-party occupant of duct capacity has the right to occupy duct capacity set aside for emergency or maintenance use. Just as I have never known duct capacity to be set aside for municipal use, I likewise have never known the owner of an underground conduit owner to allow cable operators to occupy of duct capacity it claims to have been reserved for emergency or maintenance use. Indeed, where there

has been damage to both the incumbent telephone company's and cable operator's conductors, and the ducts into which those facilities are placed, the telephone company will claim whatever emergency/maintenance or other spare duct that exists and force the cable operator to fend for itself, either by somehow repairing its conductors and the damaged duct, or by finding an alternative means of providing service via facilities located elsewhere. In other words, my experience has been that all duct capacity deployed in underground conduit networks is for commercial use, with the owner of such networks (usually the electric or telephone company) claiming precedence over all others for use of that duct.

6. I conclude that based on my 27 years of experience in this area) no "maintenance" or "municipal set-aside" duct should be removed from the conduit rate formula.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of Amendment of Rules and Policies Governing Pole Attachments	CS Docket No. 97-98

DECLARATION OF NICHOLAS THEROUX

I, Nicholas Theroux, do hereby declare under the penalty of perjury of the laws of the United States of America that the attached Declaration is true and correct.

N.C.

Nicholas Theroux

Date: 6/20/97

DECLARATION OF DONALD STEVEN WILLIAMS

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of Amendment of Rules and Policies Governing Pole Attachments	CS Docket No. 97-98

DECLARATION OF DONALD STEVEN WILLIAMS

I, Donald Steven Williams, declare as follows:

1. I am president of Williams Communications. As part of our business, we perform pole count audits. I have been involved in the cable television and communications industry since 1972.

2. Williams Communications was hired by the Texas Cable and Telecommunications Association to perform a pole count sampling, in which we would track the number of poles and their size.

3. I performed the audit between May 14, 1997 and May 21, 1997.

4. The chart attached as Exhibit 8 to the foregoing Comments of the National Cable Television Association, *et al.* is a true and correct representation of the results of the audit which I performed.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Donald Steven Williams

Executed: June 25, 1997

61372.1

DECLARATION OF JOHN R. EISEMAN

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of Amendment of Rules and Policies Governing Pole Attachments	CS Docket No. 97-98

DECLARATION OF JOHN R. EISEMAN

I, John R. Eiseman, declare as follows:

1. I am the Senior Staff Engineer for Cablevision System.

2. In its Brooklyn/Bronx, New York, and Cleveland, Ohio systems, Cablevision is attached to approximately 5,000 30 foot tall poles.

3. All of those 30 foot poles are used by multiple parties, such as Cablevision and the telephone or electric utility.

4. This estimation of the number of 30 foot poles is based on a calculation of poles per mile, and the number of miles of plant we have in easements. Poles in easements in those systems are predominantly 30 foot poles.

I declare, under penalty of perjury, that the foregoing is true and correct.

John R. Eiseman

Executed: June 25, 1997